

OFFICIAL COPY

Fresno, California

October 29, 2002

The City Council met in regular session at the hour of 8:00 a.m. in the Council Chambers, City Hall, on the day above written.

| | | |
|----------|---------------|--------------------------|
| Present: | Tom Boyajian | Councilmember |
| | Brian Calhoun | Councilmember |
| | Brad Castillo | Acting Council President |
| | Jerry Duncan | Councilmember |
| | Sal Quintero | Councilmember |
| | Dan Ronquillo | Councilmember |
| | Henry Perea | Council President |

Dan Hobbs, City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

William Nolte, First Baptist Church, gave the invocation, and President Perea led the Pledge of Allegiance to the Flag.

RESOLUTION OF COMMENDATION TO JOEY PENA - COUNCILMEMBER BOYAJIAN

PROCLAMATION OF LAW ENFORCEMENT RECORDS AND SUPPORT PERSONNEL DAY

RESOLUTION COMMEMORATING UNITED METHODIST CHURCH - COUNCILMEMBER QUINTERO

PROCLAMATION OF YMCA Y-GUIDE DAY - COUNCILMEMBER RONQUILLO

PRESENTATION OF CERTIFICATES TO PUBLIC WORKS P.R.I.D.E. TEAM EMPLOYEES FOR THE FALL QUARTER

(Add-On) PROCLAMATION OF JOHN HOLMES DAY

PRESENTATION OF DISTRICT 2 ORCHID AWARDS - COUNCILMEMBER CALHOUN

PROCLAMATION OF DENIM DAY **(2 - 0)**

The above resolutions, proclamations, certificates and awards were read and presented.

PROCLAMATION OF COOPER MIDDLE SCHOOL DAY

Not presented.

PROCLAMATION OF BRENDA N. BALDWIN DAY

Laid over to November 19, 2002.

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UNSCHEDULED ORAL COMMUNICATIONS:

APPEARANCE BY PAUL DAVIS, INSTITUTE OF VETERANS TRANSITION, REQUESTING CITY FINANCIAL ASSISTANCE/SUPPORT FOR TRANSITIONAL HOUSING FOR VETERANS

Appearance/request made and written material was submitted. No action was taken.

APPEARANCE BY GLORIA TORREZ REQUESTING CONSENT ITEM "1-N" BE PULLED FOR DISCUSSION, AND URGING EVERYONE VOTE ON NOVEMBER 5TH AND TO VOTE "NO" ON MEASURE "C"

Appearance made; no action taken.

APPEARANCE BY BARBARA HUNT EXPRESSING CONCERNS WITH THE 2025 GENERAL PLAN, THE MEIR, AND WEST FRESNO AND EDISON COMMUNITY PLAN BOUNDARIES

Appearance made; no action taken.

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APPROVE COUNCIL MINUTES OF OCTOBER 22, 2002

On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the minutes of October 22, 2002, approved as submitted.

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APPROVE AGENDA:

DIRECTION TO STAFF TO RESCHEDULE THE 11/19/02, 11:00 A.M. UPDATE ON THE CHAFFEE ZOO TO DECEMBER 10, 2002, AT 11:00 A.M. - COUNCILMEMBER DUNCAN

Direction made.

(1-N) APPROVE THE APPLICATION FOR THE ACCEPTANCE OF NOT TO EXCEED \$527,954 IN REMOVE PROGRAM PHASE III GRANT FUNDS FROM THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT, AND AUTHORIZING EXECUTION OF DOCUMENTS

City Clerk Klisch advised a resolution was part of the item and was inadvertently left off the title. So noted.

(2:30 P.M.) TEFRA HEARING AS REQUIRED BY SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986 TO HEAR AND CONSIDER INFORMATION AND ADOPT RESOLUTION CONCERNING THE PROPOSED ISSUANCE OF TAX EXEMPT REVENUE BONDS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY (CSCDA) TO PROVIDE FINANCING AND REFINANCING FOR MOBILE HOME PARK PROJECTS (WOODWARD BLUFFS, VILLA FRESNO, FRANCISCAN AND TOWN & COUNTRY) FOR THE CARITAS CORPORATION, INC.

(CONTINUE TO 3:30 P.M.)

Continued as noted.

(4:00 P.M.) HEARING TO ADOPT A RESOLUTION DESIGNATING THE WHITNEY-HUNTING HOME LOCATED AT 1105 N. ECHO TO THE LOCAL OFFICIAL REGISTER OF HISTORIC RESOURCES

(CONTINUE TO 4:45 P.M.)

Continued as noted.

On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea |
| Noes | : | None |
| Absent | : | None |

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ADOPT CONSENT CALENDAR:

(1-A) * RESOLUTION NO. 2002-330 - 37TH AMENDMENT TO AAR 2002-216 APPROPRIATING \$237,000 FOR CAPITAL IMPROVEMENTS THAT HAVE BEEN PREVIOUSLY APPROVED AT AIRWAYS GOLF COURSE

(1-B) APPROVE AIRLINE AGREEMENTS BETWEEN THE CITY OF FRESNO AND ALLEGIANT AIR, INC., AMERICAN EAGLE AIRLINES, INC., HORIZON AIR INDUSTRIES, INC., MESA AIR GROUP, INC., AND SKYWEST AIRLINES, INC., AT THE FRESNO YOSEMITE INTERNATIONAL AIRPORT, AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE THE SAME ON BEHALF OF THE CITY

(1-C) APPROVE AVIATION LAND AND BUILDING LEASE AND AGREEMENT BETWEEN THE CITY OF FRESNO AND MARK A. DIAZ, AN INDIVIDUAL DBA INVEST-AIR TO OCCUPY PREMISES AT FRESNO CHANDLER DOWNTOWN AIRPORT, AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE THE SAME ON BEHALF OF THE CITY

(1-D) APPROVE AIRWAYS GOLF COURSE LANDLORD CONSENT AND WAIVER TO THIRD PARTY LENDER ARRANGEMENTS FOR CCA SILBAND/GOLFCORP.

(1-E) RESOLUTION NO. 2002-331 - INTENT TO ANNEX FINAL TRACT NO. 5086 TO CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 41, AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES

(1-F) RESOLUTION NO. 2002-332 - INTENT TO ANNEX FINAL TRACT NO. 5103 TO CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 42, AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES

(1-G) * RESOLUTION NO. 2002-333 - 38TH AMENDMENT TO AAR 2002-216 APPROPRIATING \$2,800 IN GRANT FUNDS FROM THE STATE OFFICE OF HISTORIC PRESERVATION TO UNDERWRITE A CONFERENCE TITLED “ETHNICITY, COMMUNITY AND HISTORIC PRESERVATION IN THE CENTRAL SAN JOAQUIN VALLEY”, AND AUTHORIZE THE CITY MANAGER TO EXECUTE ANY NECESSARY GRANT DOCUMENTS

President Perea commended the Historical Society for their involvement and effort.

(1-H) RESOLUTION NO. 2002-334 - APPROVING THE FINAL MAP OF TRACT NO. 4988/UGM AND ACCEPTING DEDICATED PUBLIC USES THEREIN, PROPERTY LOCATED ON THE EAST SIDE OF N. BRAWLEY AVENUE, NORTH OF W. PALO ALTO AVENUE

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE

2. AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR ACKNOWLEDGMENT OF PROXIMITY TO AIRPORT OPERATIONS

(1-I) * RESOLUTION NO. 2002-335 - 36TH AMENDMENT TO AAR 2002-216 APPROPRIATING \$58,700 RECEIVED AS REIMBURSEMENT FOR MUTUAL AID ASSISTANCE IN WILD LAND FIREFIGHTING ACTIVITIES TO THE FIRE DEPARTMENT

1. AUTHORIZE THE FIRE DEPARTMENT TO RECEIVE FUTURE REIMBURSEMENT FOR PARTICIPATING DEPARTMENT PERSONNEL FROM FRESNO CITY COLLEGE

2. * **RESOLUTION NO. 2002-336** - 25TH AMENDMENT TO AAR 2002-216 APPROPRIATING \$11,200 TO BE RECEIVED FROM FRESNO CITY COLLEGE FOR REIMBURSEMENT FOR THE PARTICIPATION OF FIRE DEPARTMENT PERSONNEL

(1-J) * RESOLUTION NO. 2002-337 - 3RD AMENDMENT TO SALARY RES. 2002-219 REFLECTING THE REASSIGNMENT OF D.A.R.E. INSTRUCTORS TO FRESNO CITY EMPLOYEES ASSOCIATION (FCEA), UNIT 3, AND THE CLARIFICATION OF LANGUAGE IN TWO NARRATIVE SECTIONS OF THE RESOLUTION

(1-L) * RESOLUTION NO. 2002-338 - 41ST AMENDMENT TO AAR 2002-216 APPROPRIATING \$1,402,200 TO FUND PEACH AVENUE IMPROVEMENTS BETWEEN E. CLAY AND E. MCKINLEY AVENUES

1. AWARD A CONTRACT TO D.H. WILLIAMS CONSTRUCTION, INC., IN THE AMOUNT OF \$1,389,418.61 FOR THE PROJECT

(1-M) * RESOLUTION NO. 2002-339 - 40TH AMENDMENT TO AAR 2002-216 APPROPRIATING A U.S. DEPARTMENT OF EDUCATION FEDERAL GRANT FOR \$288,500 TO THE F.U.S.D. AND THE CITY OF FRESNO TO DEVELOP A MOBILE SCIENCE VEHICLE FOR EDUCATIONAL OUTREACH TO THE COMMUNITY’S YOUTH

(1-O) * RESOLUTION NO. 2002-340 - 39TH AMENDMENT TO AAR 2002-216 APPROPRIATING \$49,800 TO COMPLETE FINAL REIMBURSEMENT TO WILLOW CREEK FOUNDRY VENTURES, LLC (COMMUNITY FACILITIES DISTRICT NO. 5 - FOUNDRY PARK) DERIVED FROM BOND PROCEEDS AND DEVELOPER DEPOSITS

(1-P) APPROVE THE SALE OF TWO (2) CITY-OWNED ABANDONED WATER WELL SITES TO THREE (3) ADJACENT PROPERTY OWNERS, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE ALL APPROPRIATE DOCUMENTS TO COMPLETE THE TRANSACTIONS

(1-Q) APPROVE THE SALE OF A SMALL PARCEL OF RIGHT-OF-WAY TO CALTRANS AT THE NORTHBOUND ON-RAMP TO STATE HIGHWAY 168 AT ASHLAN AVENUE, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO EXECUTE ALL APPROPRIATE DOCUMENTS TO COMPLETE THE TRANSACTION

(1-R) RESOLUTION NO. 2002-341 - SETTING THE PUBLIC HEARING TO CONSIDER THE FORMATION OF UNDERGROUND UTILITY DISTRICT (UUD) NO. FRE-81 (WILLOW AVENUE BETWEEN NEES AND SHEPHERD AVENUES) FOR DECEMBER 3, 2002, AT 10:15 A.M.

(1-S) APPROVE A SITE LICENSE AGREEMENT WITH PACIFIC BELL WIRELESS, LLC, FOR USE OF CITY-OWNED PARKING LOTS, AND AUTHORIZE THE CITY MANAGER TO APPROVE THE AGREEMENT AND FUTURE AGREEMENTS

(1-T) CITY OF FRESNO COMMUNITY FACILITIES DISTRICT (CFD) NO. 7 (GRANVILLE HOMES - WILLOW AND TEAGUE AVENUES)

1. RESOLUTION NO. 2002-342 - AMENDING PUBLIC FACILITY FEE PROGRAM AND DELEGATING TO CITY CONTROLLER THE ABILITY TO MAKE FURTHER AMENDMENTS

2. RESOLUTION NO. 2002-343 - ACCEPTING PETITION, DETERMINING TO UNDERTAKE CERTAIN CFD PROCEEDINGS, AND AUTHORIZING CERTAIN ACTIONS WITH RESPECT TO A CFD

3. RESOLUTION NO. 2002-344 - INTENT TO ESTABLISH CFD NO. 7 AND AUTHORIZE LEVYING A SPECIAL TAX WITHIN THE PROPOSED DISTRICT

4. RESOLUTION NO. 2002-345 - INTENT TO INCUR A BONDED INDEBTEDNESS NOT TO EXCEED \$2,500,000 WITHIN PROPOSED CFD NO. 7

5. RESOLUTION NO. 2002-346 - APPROVING A PROJECT FINANCING AGREEMENT BETWEEN THE CITY AND GRANVILLE HOMES, INC., AND AUTHORIZING THE EXECUTION THEREOF, CONCERNING CFD NO. 7

(1-V) RESOLUTION NO. 2002-347 - APPROVING THE APPLICATION FOR AND ACCEPTANCE OF A CALIFORNIA SEAT BELT COMPLIANCE CAMPAIGN "MINI GRANT" FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY, AND AUTHORIZE THE ACCEPTANCE OF FISCAL YEAR 2003 GRANT FUNDS

1. RESOLUTION NO. 2002-348 - 35TH AMENDMENT TO AAR 2002-216 APPROPRIATING \$19,700 FOR THE POLICE DEPARTMENT'S CALIFORNIA SEAT BELT COMPLIANCE CAMPAIGN (CSBCC)

On motion of Councilmember Calhoun, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea |
| Noes | : | None |
| Absent | : | None |

CONSENT CALENDAR - BILL FOR INTRODUCTION/RESOLUTION FOR ADOPTION:

(2-A) * BILL NO. B-54 - AMENDING THE FRESNO MUNICIPAL CODE TO ADOPT THE UNIFORM FIRE CODE (UFC), 2000 EDITION, AS AMENDED BY THE STATE OF CALIFORNIA WITH MODIFICATIONS

1. RESOLUTION NO. 2002-349 - AFFIRMING THE EXPRESS FINDINGS FOR MODIFICATIONS TO THE UNIFORM FIRE CODE, 2000 EDITION, AS AMENDED BY THE STATE OF CALIFORNIA

On motion of Councilmember Calhoun, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Bill No. B-54 introduced before the Council and laid over, and the above entitled Resolution No. 2002-349 hereby adopted, by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea |
| Noes | : | None |
| Absent | : | None |

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(3-A) * RESOLUTION NO. 2002-350 - 34TH AMENDMENT TO AAR 2002-216 ADJUSTING REVENUES AND APPROPRIATIONS IN THE VARIOUS FUNDS TO PROVIDE FOR THE COMPLETION OF CAPITAL IMPROVEMENTS THAT HAVE BEEN PREVIOUSLY APPROVED

Parks and Recreation Director Primavera gave an overview of the issue as contained in the staff report as submitted and recommended approval.

On motion of Councilmember Quintero, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 2002-350 hereby adopted, by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea |
| Noes | : | None |
| Absent | : | None |

Mr. Primavera responded to questions of Councilmember Boyajian relative to the landfill sports complex, and Barbara Hunt, 246 W. Byrd, spoke to the Hyde Park area.

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(3-B) APPROVE AN AMENDMENT TO THE AGREEMENT WITH GEOSYNTEC CONSULTANTS TO PROVIDE PROFESSIONAL ENVIRONMENTAL ENGINEERING SERVICES RELATED TO THE CLOSURE OF THE FRESNO SANITARY LANDFILL

Public Utilities Director McIntyre gave an overview of the issue as contained in the staff report as submitted and a motion and second was made to approve staff's recommendation.

Barbara Hunt, 246 W. Byrd, spoke to other areas that need clean-up due to contamination.

On motion of Councilmember Ronquillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the Amendment to the Agreement with GeoSyntec Consultants hereby approved, and the City Manager authorized to sign the Amendment on behalf of the City, by the following vote:

| | | |
|--------|---|--|
| Ayes | : | Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo |
| Noes | : | Perea |
| Absent | : | None |

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(3-C) APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH BROWN AND CALDWELL FOR PREPARATION OF A WASTEWATER COLLECTION SYSTEM MASTER PLAN

Public Utilities Director McIntyre gave an overview of the issue as contained in the staff report as submitted, and along with City Manager Hobbs responded to questions of Councilmember Boyajian relative to the application process, the firm selected, their experience, and why they were chosen. A motion and second was made to approve staff's recommendation.

Barbara Hunt, 246 W. Byrd, spoke in support.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, a Professional Services Agreement with Brown and Caldwell hereby approved, subject to approval as to form by the City Attorney, and the City Manager or designee authorized to execute the Agreement on behalf of the City, by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea |
| Noes | : | None |
| Absent | : | None |

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(5-A) CONSIDERATION OF SALARY INCREASE FOR CITY ATTORNEY - PRESIDENT PEREA

President Perea and Councilmember Calhoun noted a very positive performance evaluation was held in closed session and a 3% increase was discussed and motioned, and a motion and second was made for a 3% increase based on performance.

Barbara Hunt, 246 W. Byrd, spoke to the issue questioning the reason for the raise.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, a 3% salary increase for the City Attorney hereby approved, by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea |
| Noes | : | None |
| Absent | : | None |

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(5-B) CONSIDERATION OF SALARY INCREASE FOR CITY CLERK - PRESIDENT PEREA

President Perea and Councilmember Calhoun again noted a very positive performance evaluation was held in closed session and a 3% increase was discussed and motioned, and a motion and second was made for a 3% increase based on performance.

Gloria Torrez spoke in opposition and to how public information has not been provided to her; and Barbara Hunt, 246 W. Byrd, concurred with the lack of written information and questioned the reason for the raise. Councilmember Ronquillo left the meeting at 9:24 a.m.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, a 3% salary increase for the City Clerk hereby approved, by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea |
| Noes | : | None |
| Absent | : | None |

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Visiting students from Hoover High School were recognized and welcomed.

UNSCHEDULED ORAL COMMUNICATIONS:

APPEARANCE BY LARRY EMPEREUR, 2300 S. CLOVIS, REQUESTING COUNCIL SUPPORT FOR 2025 FRESNO GENERAL PLAN MODIFICATION NO. 3

Appearance made; no action taken.

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RECESS - 9:32 A.M. - 10:00 A.M.**(10:00 A.M.) PRESENTATION OF EMPLOYEE SERVICE AWARDS**

Resolutions of Commendation were presented to employees with 10, 15, 20, 25, 30, 35 and 40 years of City service and a reception was held immediately following to honor the employees. Council reconvened in session at 11:04 a.m. with all members present.

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(11:00 A.M.) HEARING TO CONSIDER THE USE OF \$935,600 AWARDED TO THE CITY BY THE U.S. DEPARTMENT OF JUSTICE TO UNDERTAKE THE LOCAL LAW ENFORCEMENT BLOCK GRANT (LLEBG) PROGRAM

1. RESOLUTION NO. 2002-351 - AUTHORIZING THE ACCEPTANCE OF THE AWARD

President Perea announced the time had arrived to consider the issue and opened the hearing.

Chief Dyer gave an overview of the issue as contained in the staff report as submitted.

Barbara Hunt, 246 W. Byrd, spoke in support.

Upon call, no one else wished to be heard and President Perea closed the hearing.

On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 2002-351 hereby adopted, by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea |
| Noes | : | None |
| Absent | : | None |

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RECESS - 11:08 A.M. - 11:32 A.M. Councilmember Quintero arrived after the next recess.

(11:30 A.M.) CONTINUED HEARING ON CITY OF FRESNO COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 39 - FINAL TRACT MAP NO. 4988

1. RESOLUTION NO. 2002-352 - ANNEXING TERRITORY TO CFD NO. 2 AND AUTHORIZING THE LEVY OF A SPECIAL TAX

2. RESOLUTION NO. 2002-353 - CALLING A SPECIAL MAILED-BALLOT ELECTION

3. RESOLUTION NO. 2002-354 - DECLARING ELECTION RESULTS

4. * BILL NO. B-55 - ORDINANCE NO. 2002-55 - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2002-2003 AND FUTURE TAX YEARS WITHIN AND RELATING TO CFD NO. 2, ANNEXATION NO. 39

President Perea announced the time had arrived to consider the issue and opened the hearing. A motion and second was made to approve staff's recommendation.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution Nos. 2002-352, 2002-253, 2002-354 hereby adopted, and the above entitled Bill No. B-55 adopted as Ordinance No. 2002-55, by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Boyajian, Calhoun, Castillo, Duncan, Ronquillo, Perea |
| Noes | : | None |
| Absent | : | Quintero |

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RECESS - 11:33 A.M. - 11:47 A.M. All members were present.

(11:45 A.M.) PROPERTY TAX AUDIT BY HDL - FINAL REPORT ON PROP 8 VALUATIONS

Controller Quinto and Principal Internal Auditor Koury (3 - 0) reviewed the issue as contained in the staff report as submitted and advised the consultant who conducted the audit, David Shey, was present to answer any questions.

Barbara Hunt, 246 W. Byrd, spoke in support of the issue.

Councilmember Calhoun commended staff and the consultant for their initiative and presented questions relative to whether Fresno County was considering this process, what exactly the City was asking for, what the process would be, if there were any time lines at issue, and if the methodology used by Fresno County was unusual, with Ms. Quinto, Mr. Koury and City Manager Hobbs responding and clarifying issues. Councilmember Calhoun stated his support and made a motion to approve staff's recommendation, which motion seconded after further discussion.

Extensive discussion ensued with Ms. Quinto, Mr. Shey, Mr. Koury and City Attorney Montoy clarifying issues and/or responding to questions and/or comments of Councilmembers Duncan, Ronquillo and Boyajian relative to how market values are determined, what exactly the problem was, declining Prop 8 properties and Fresno County being responsive to the system, what the Auditors' response was to staff's position, why staff felt there was a need to ask the Board of Supervisors to look at the methodology, if this issue had been discussed with the new Assessor, need for City staff to discuss the issue with the new Assessor, concern with creating a problem for the taxpayer, discomfort with staff's recommendation at this time, need for discussions with the Assessor, CAO and Chairman of the Board of Supervisors, rise in property values/importance of knowing parameters and need to handle this issue sensitively, concurrence on the need for discussions with the County and then moving to the next level, the trend of increasing property values continuing for at least two more years, opposition to staff's recommendation at this time, how the process would work if approved, why the County was using a different methodology, definition of a Prop 8 property, if the County was aware of procedure and if the City would be informing the County how to do this, if the City would be auditing the County's audit, if legal action was an option if the proper methodology was not being used, discussions already held with the County and if city staff felt they were close to giving input, and sending a formal or informal letter and what the best way was to approach the County. Ms. Quinto suggested the matter be delayed and staff would report back in 30 days on the status of discussions with Fresno County. Councilmember Boyajian seconded the motion on the floor to approve staff's recommendation.

Dr. Pepper stated cooperation was important, spoke to the need for cooperation on air pollution also, and formally invited Council to a meeting on November 18th.

Discussion continued. Mr. Shey responded to questions/comments of Acting President Castillo relative to what the process would be if the County agreed with the City, when a property owner would know of an increase in their property tax, if the City would in essence be asking the Board of Supervisors to raise taxes by sending the letter, and if some property owners could end up paying more taxes. (4 - 0) City Manager Hobbs clarified there were 17,000 properties in the system that have not been brought up to date who may or may not be paying their fair share. Councilmember Calhoun stated (1) this was a fairness issue, (2) the City hired and paid a firm to conduct this analysis due to Council's concerns with revenues, and (3) the letter would only be asking the Board of Supervisors to review the issue and do what is appropriate adding there was nothing wrong with conveying this information. Mr. Shey responded to questions/comments/concerns of Councilmember Duncan relative to why some parcels have remained flat for five years and what the Assessor's explanation was, if city staff asked to review the County's data, if the County

was asked if they reviewed parcels annually, and concern that the letter could be misinterpreted and possibly set up a problem/conflict when the City could very easily sit down, share HDL's data and discuss the issue with County officials. Councilmember Ronquillo commented briefly on the new construction taking place and the need to document the known value on an ongoing basis, with Mr. Shey responding on the valuation process. Ms. Quinto responded to questions/comments of President Perea relative to whether the Mayor's Economic Advisory Council reviewed this matter and why they had not, appreciation for the report but need for discussion between the City Controller, the City Manager, Mayor's Economic Advisors and the County Assessor, non-need for Council action, and recommendation that the Mayor send a letter to the Board Chairman indicating this was a good idea and requesting the County move forward with it. Relative to why the Mayor's Council of Economic Advisors did not review the issue Mr. Hobbs clarified they focus on issues that others are not looking at and this issue originated with Council legitimately asking why the city's property tax revenues were so flat, and added he supported Ms. Quinto's suggestion of a progress report in 30 days.

A motion of Councilmember Calhoun, seconded by Councilmember Boyajian, to formally execute the letter contained in the staff report to the Fresno County Board of Supervisors requesting their concerted efforts in having the County Assessor evaluate each and every City of Fresno parcel frozen for more than one year in the Prop 8 system and lift the property values accordingly failed, by the following vote:

| | | |
|--------|---|------------------------------------|
| Ayes | : | Boyajian, Calhoun, Quintero |
| Noes | : | Castillo, Duncan, Ronquillo, Perea |
| Absent | : | None |

President Perea reiterated his suggestion that the Mayor and City Manager send a letter to Chairman Waterson stating he felt it would "get the ball rolling".

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LUNCH RECESS - 12:49 P.M. - 2:04 P.M. Councilmembers Quintero and Ronquillo arrived later.

(2:00 P.M. #1) CONTESTED CONSENT CALENDAR:

(1-K) AWARD A CONTRACT FOR HERNDON AVENUE WIDENING, FROM PALM TO WEST AVENUES

Interim Public Works Director Holmes responded to questions of Councilmember Boyajian relative to the project's funding source, if the funding contribution was part of the agreement with Calcot, and if Calcot contributed to other projects in the area.

On motion of Councilmember Boyajian, seconded by Councilmember Calhoun, duly carried, RESOLVED, a contract for Herndon Avenue widening from Palm to West Avenues hereby awarded to Granite Construction Co. in the amount of \$1,622,512, by the following vote:

| | | |
|--------|---|--|
| Ayes | : | Boyajian, Calhoun, Castillo, Duncan, Perea |
| Noes | : | None |
| Absent | : | Quintero, Ronquillo |

(1-N) RESOLUTION NO. 2002-355 - APPROVING THE APPLICATION FOR THE ACCEPTANCE OF NOT TO EXCEED \$527,954 IN REMOVE PROGRAM PHASE III GRANT FUNDS FROM THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT, AND AUTHORIZING EXECUTION OF DOCUMENTS

Transit General Manager Rudd responded to questions of Gloria Torrez relative to the transit subsidy and to #4 of the Resolution. Councilmember Ronquillo arrived at 2:07 p.m. A motion and second was made to approve staff's recommendation. Ms. Torrez stated if the funds were for FAX projects she wanted to see them manifest and spoke to the need for terminology in #4 to be on the "up and up" and in writing.

On motion of President Perea, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2002-355 hereby adopted, by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Boyajian, Calhoun, Castillo, Duncan, Ronquillo, Perea |
| Noes | : | None |
| Absent | : | Quintero |

(1-U) APPROVE AN AGREEMENT BETWEEN THE CITY AND NON-SUPERVISORY POLICE UNIT 4 (FRESNO POLICE OFFICERS ASSOCIATION/FPOA) REGARDING PREMIUM PAY FOR SKYWATCH OFFICERS

1. * RESOLUTION - 4TH AMENDMENT TO SALARY RES. 2002-219 INCREASING THE SALARY FOR THE POSITION OF CHIEF PILOT

Deputy Chief Enmark responded to questions of Councilmember Calhoun relative to whether salary comparisons were conducted with Sheriff's department and other airborne units within the state, and if this was an issue of more pay, morale, or staffing. Councilmember Quintero arrived at 2:09 p.m. Chief Enmark and City Manager Hobbs responded to additional questions of Councilmembers Calhoun and Ronquillo relative to what the original rationale was for the salary, if staff's recommendation fell within collective bargaining, what the City Manager's position/comments were on the issue, if there was a written list of salary comparisons, and comparison of Skywatch officers and police officers' pay.

Barbara Hunt, 246 W. Byrd, spoke in support of the issue.

Chief Enmark and Mr. Hobbs responded to questions of Councilmembers Duncan and Castillo relative to whether private pilots were an option, City and County pay comparisons, County pilot requirements, need for salary comparisons before taking action, why some pilots "opted out" of the unit, and when staff would be able to obtain information on county pay. A motion and second was made to continue the matter to November 19th to obtain information on county pay and Councilmember Calhoun requested staff also get information on CHP pay. Brief discussion ensued on the new helicopter approved in FY 03 budget.

On motion of Acting President Castillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above matter laid over to November 19, 2002, to allow staff to conduct and report back with a salary comparison with Fresno County and the California Highway Patrol (CHP), by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea |
| Noes | : | None |
| Absent | : | None |

(1-W) APPROVE APPOINTMENT OF NUEL BROWN TO THE PLANNING COMMISSION - MAYOR AUTRY

Councilmember Calhoun stated the Planning Commission was an extremely important commission and the existing one page application allowed for very little information on applicants; stated Mr. Brown’s application had mis-spellings and questioned how qualified he was; advised there were other outstanding applications with support letters in the file which he reviewed and questioned if they were considered and if Mr. Brown’s application was solicited noting he was related in some way to Mayor Autry; and stated the relationship issue raised a flag with him as votes could be tainted and he was looking for answers. City Manager Hobbs submitted an updated resume of Mr. Brown; spoke to his character, qualifications and experience and on the need to respect the tradition of protocol of Mayoral appointments; urged approval of the appointment stating character counted and Mr. Brown was not beholden to special interests; and clarified Mr. Brown was a second or third cousin to the Mayor. Councilmember Calhoun stated he hoped the comment “character counts” or someone working for a church did not raise that person above other professions, stated Council approval was not automatic, and questioned when Mr. Brown served on the Kerman planning commission and if the other applications on file were offered for review by other applicants, with Mr. Hobbs responding

Councilmember Duncan stated he had the pleasure of meeting Mr. Brown and was very impressed and made a motion to approve the appointment, which motion was seconded by Councilmember Quintero and later acted upon. **(5 - 0)** Mr. Hobbs requested his comments not be misinterpreted in any way, stated it was very clear the Mayor proposed nominations and Council approved them clarifying he was talking about the protocol that has been utilized, and added he respected the suggestions about process.

Discussion continued. Councilmember Ronquillo stated this dialog was healthy and explained. Councilmember Boyajian stated Mr. Brown’s wife ran against a current Council member and that should be considered, and spoke to the need for more Council input on appointments based upon an individuals’ knowledge of land use issues. Acting President Castillo stated first impressions were critical, spoke to Mr. Brown’s application including the mis-spellings and his listing two references when three were requested, pointed out one of the references was a developer who is suing the City of Fresno and who contributed a large amount to Mrs. Brown’s campaign, and stated other qualified individuals applied and he hoped the message to others was not “be a relative of the Mayor” for approval. Mr. Hobbs expressed his concern with points/comments being made stating different ingredients were being thrown into the discussion and it would be rude to change the rules of past practice, and responded to questions of Councilmember Boyajian relative to whether questions regarding planning/land use could be added to application in the future. President Perea advised he shared his concerns with the Mayor and stated this was not an issue of Mr. Brown or the Mayor’s right to appoint but an issue of process stating other qualified people followed the process and Mr. Brown did not.

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, RESOLVED, Nuel Brown appointed to the Planning Commission, by the following vote:

| | | |
|--------|---|---------------------------------------|
| Ayes | : | Boyajian, Duncan, Quintero, Ronquillo |
| Noes | : | Calhoun, Castillo, Perea |
| Absent | : | None |

- - - -

(2:00 P.M. #2) CLOSED SESSION:

(A) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION: CLAIM OF SIMPLEX GRINNEL LP, SUCCESSOR-IN-INTEREST TO SIMPLEX TIME RECORDER CO.

(B) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAMES:

1. ANGEL PEREZ V. COF, ET AL.
2. GILBERT TORRES V. COF, ET AL.
3. DORA COOPER V. COF, ET AL.
4. FRESNO POLICE OFFICERS ASSOCIATION AND WILLIAM DRAGOO, RONALD PASSMORE, LAWRENCE BERTAIO, DANIEL MONTEVECCHI AND ROGER ENMARK V. COF RETIREMENT BOARD AND COF
5. COF V. BLACKSTONE VENTURE I, ET AL.
6. A.H.D.C. V. COF, ET AL.
7. BOMBAY CORPORATION, ET AL. V. COF

(C) CONFERENCE WITH REAL PROPERTY NEGOTIATORS:

PROPERTY: THREE PARCELS OF LAND (ONE IMMEDIATELY EAST OF AND ADJACENT TO THE BNSF RAILROAD RIGHT OF WAY, BETWEEN KERN AND MONO STREETS; TWO IMMEDIATELY WEST OF AND ADJACENT TO THE BNSF RAILROAD RIGHT OF WAY, BETWEEN TULARE AND INYO STREETS, INCLUDING THE OLD SANTA FE DEPOT)

CITY NEGOTIATORS: ROBB WOOD, ROBERT ENGLISH, MARK WILLIAMSON, JERRY HAYNES AND JOHN HOLMES

NEGOTIATING PARTIES: BURLINGTON NORTHERN SANTA FE RAILROAD (BNSF)

UNDER NEGOTIATION: TERMS AND PRICE

(D) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION - CASE NAME: COF V. BUREAU OF RECLAMATION

(E) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATIONS:

1. INTERNATIONAL UNION OF OPERATING ENGINEERS, STATIONARY ENGINEERS LOCAL 39 (LOCAL 39)
2. FRESNO CITY EMPLOYEES ASSOCIATION (FCEA)
3. AMALGAMATED TRANSIT UNION, LOCAL 1027 (ATU)
4. INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 100 (IBEW)
5. CITY OF FRESNO PROFESSIONAL EMPLOYEES ASSOCIATION (CFPEA)
6. CITY OF FRESNO MANAGEMENT EMPLOYEES ASSOCIATION (CFMEA)

The City Council met in closed session in Room 2125 at the hour of 2:55 p.m. to consider the above issues and reconvened in regular open session at 4:35 p.m. Councilmembers Calhoun and Castillo arrived later.

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(2:30 P.M. / **3:30 P.M.**) TEFRA HEARING AS REQUIRED BY SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986 TO HEAR AND CONSIDER INFORMATION CONCERNING THE PROPOSED ISSUANCE OF TAX EXEMPT REVENUE BONDS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY (CSCDA) TO PROVIDE FINANCING AND REFINANCING FOR MOBILE HOME PARK PROJECTS (WOODWARD BLUFFS, VILLA FRESNO, FRANCISCAN AND TOWN & COUNTRY)
1. RESOLUTION NO. 2002-356 - APPROVING THE ISSUANCE OF QUALIFIED 501(c)(3) REVENUE BONDS BY THE CSCDA TO FINANCE AND REFINANCE MOBILE HOME PARKS FOR THE CARITAS CORPORATION, INC.

President Perea announced the time had arrived to consider the issue and opened the hearing.

Assistant Controller Bradley gave a brief overview of the issue as contained in the staff report as submitted and advised principals of the Corporation were in attendance and available to answer any questions.

Barbara Hunt, 246 W. Byrd, spoke in opposition.

Upon call, no one else wished to be heard and President Perea closed the hearing.

Councilmember Ronquillo spoke in support of the issue due to on-going costs to live in mobile home parks and resident control, and made a motion to approve staff’s recommendation.

On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 2002-356 hereby adopted, by the following vote:

| | | |
|--------|---|--|
| Ayes | : | Boyajian, Duncan, Quintero, Ronquillo, Perea |
| Noes | : | None |
| Absent | : | Calhoun, Castillo |

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- (3:45 P.M.) WALKER PARKING STUDY UPDATE AND REQUEST FOR COUNCIL ACTION ON PARKING RELATED ISSUES**
- a. PRESENTATION/ACCEPTANCE OF THE WALKER REPORT**
 - b. APPROVE A PARKING AGREEMENT WITH THE COUNTY OF FRESNO**
 - c. APPROVE AN AGREEMENT WITH GOLDEN EAGLE TROLLEY FOR PARKING SHUTTLE SERVICE TO THE STADIUM AND BOXCAR PARKING LOTS - COUNCILMEMBER RONQUILLO**
 - d. REDUCTION OF ENFORCEMENT OF PARKING METERS IN NON-CORE AREAS AFTER 6:00 P.M., MONDAY THROUGH SUNDAY - PRESIDENT PEREA**

Councilmember Duncan stated he was concerned with how quickly Council was responding to the parking program and made a motion to table Item “d” for 90 days. Councilmember Calhoun arrived at 4:40 p.m.

On motion of Councilmember Duncan, seconded by Councilmember Ronquillo, duly carried, RESOLVED, Item “d”/Reduction of enforcement of parking meters in non-core areas after 6:00 p.m., tabled 90 days, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Quintero, Ronquillo
Noes : Perea
Absent : Castillo

Acting President Castillo arrived at 4:41 p.m. Transportation Manager Madewell gave a brief overview of the issue, and Bill Frances of the Walker Group and Jeremiah Simpson from their Burbank office, gave a power point presentation on the report including the parking management strategies being recommended, future developments identified by the City, and the proposed 5-Year Capital Plan relative to acquiring new parking facilities for the new developments, using maps to illustrate. Councilmember Ronquillo pointed out the northwest commercial/industrial corner in the Mall Specific Area had been removed from the zone, with Mr. Madewell confirming it had.

Speaking to the issue and expressing various concerns were: Barbara Hunt, 246 W. Byrd; Rabbi Alan, 851 Van Ness; and Gloria Torrez **(6 - 0)**.

Councilmember Ronquillo apologized for the inconveniences occurring but reiterated there was no free parking anymore; commended the Walker Group for addressing parking in a meaningful and practical way, and spoke at length to the issue and stated he hoped future Council would follow the manuscript, and made a motion to approve staff's recommendations on the above Items "a", "b" and "c".

Discussion ensued. Councilmember Duncan stated necessary changes were made to address parking and the City was on its way to solving the parking problem and commended staff and the Walker Group. President Perea commented on issues including the need to change the Cherta lot name, how the study should have been done two years ago, the continued mis-perception that meters were paying for the downtown stadium, areas in the mall specific zone that did not make sense, and his concern with citing people after 5:00 p.m. when there is no downtown activity. Councilmember Boyajian presented questions relative to downtown events and when parking is enforced and when it is not, engaging in a joint venture with the hospital, ability to make needed parking facility improvements and pay the stadium bond, Eaton Plaza and alternative parking sites, timeframe and funding for the promenade park, and meters in the non-mall specific zone. Councilmember Ronquillo spoke to the need to educate and reorientate people on where to park, and President Perea questioned what the hours of enforcement were, with Mr. Simpson and Mr. Madewell responding to all the questions presented.

On motion of Councilmember Ronquillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the Walker report hereby accepted; staff directed to develop a funding recommendation with the budget update of the Parking Enterprise Fund; the agreement for Walker Consultants services in the amount of \$24,800 hereby approved; the agreement with Fresno County for Juror and Employee parking hereby approved and the City Manager authorized to execute the agreement on behalf of the City; and the agreement with Golden Eagle Trolley for parking shuttle services to the stadium and boxcar parking lots hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : None
Absent : None

Mr. Madewell noted for the record minor legal changes were made to the agreements in Items "b" and "c".

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(4:00 P.M. / **4:45 P.M.**) HEARING ON THE DESIGNATION OF THE WHITNEY-HUNTING HOME LOCATED AT 1105 N. ECHO TO THE LOCAL OFFICIAL REGISTER OF HISTORIC RESOURCES
1. RESOLUTION NO. 2002-357 - DESIGNATING THE WHITNEY-HUNTING HOME TO THE LOCAL OFFICIAL REGISTER OF HISTORIC RESOURCES

President Perea announced the time had arrived to consider the issue and opened the hearing.

Historic Preservation Manager Hattersley-Drayton gave a brief overview of the issue as contained in the staff report as submitted.

Upon call, no one wished to be heard and President Perea closed the hearing.

Councilmembers Calhoun and Ronquillo spoke in support of the issue, and Ms. Hattersley-Drayton responded to questions of Acting President Castillo relative to the process if the property owners wanted to remodel.

On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 2002-357 hereby adopted, by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea |
| Noes | : | None |
| Absent | : | None |

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(4:30 P.M.) DIRECT STAFF TO MEET AND CONFER WITH CITY OF FRESNO EMPLOYEES RETIREMENT SYSTEM UNITS REGARDING 2.5% AT 55 - COUNCILMEMBER QUINTERO

Upon request of Councilmember Quintero, Frank Balekian, Retirement Board member and on behalf of the employees, advised the objective was to include all employees in a study to enhance the retirement benefit up to 2.5% at age 55 and elaborated. Upon question, Mr. Balekian stated he thought the different organizations would help pay for the study and confirmed the two organizations currently in negotiations were contributing to the study cost. A motion and second giving direction to staff was made and acted upon after brief discussion.

Barbara Hunt, 246 W. Byrd, spoke to the two retirements boards and benefits.

City Attorney Montoy, Assistant City Manager Souza and Mr. Balekian responded to questions of Councilmembers Boyajian, Calhoun and Castillo and/or clarified issues relative to the request and what the City was not doing, if the city manager agreed with the request/direction, Councilmember Calhoun expressing his concern with the process and stating Council was engaging in collective bargaining and the issue should be discussed by Council and staff in closed session, and continued questioning relative to whether it was certain the other groups would share in the cost and if the cost would be an additional burden on the City if they did not.

On motion of Councilmember Quintero, seconded by Councilmember Ronquillo, duly carried, RESOLVED, staff directed to meet and confer with Local 39, IBEW, CFPEA, and CFMEA to share in the presently on-going study regarding retirement benefits at 55 as commissioned by the City, ATU and FCEA in their meet and confer process, by the following vote:

Ayes : Boyajian, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : Calhoun
Absent : None

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(5:00 P.M.) CONSIDERATION OF CIVIL SERVICE BOARD'S REPORT RELATING TO COMPENSATION OF COUNCILMEMBERS AND MAYOR

Upon question, City Attorney Montoy advised Council could receive the report, a vote was not necessary, and responded to Councilmember Boyajian's comments/question that this was supposed to be a cost of living increase and what option was now available for Council to provide a cost of living increase **(7 - 0)**. By Council consensus, the report was accepted.

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(5:15 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

The City Council met in joint session with the Redevelopment Agency at the hour of 5:56 p.m.

APPROVE AGENCY MINUTES OF OCTOBER 8, 2002

On motion of Councilmember Ronquillo, seconded by Councilmember Calhoun, duly carried, **RESOLVED**, the Agency minutes of October 8, 2002, approved as submitted.

(“A”) RESOLUTION - REAFFIRMING REDEVELOPMENT AGENCY CONTRACTING POLICIES AND PROCEDURES - PRESIDENT PEREA

President Perea stated he wanted to reaffirm this policy/procedure resolution as recommended by the city attorney due to a two year old issue that occurred with the RDA; submitted a memorandum to Council outlining his concern with the unauthorized use of RDA funds and the subsequent actions that were taken; entered and read his memo into the record for future review by an outside agency, a copy of which memo is on file in the office of the City Clerk; expressed further concern with (1) subsequent Item “C” involving the hiring of a firm other than the one used by the City of Fresno, and (2) funding for the Kings Canyon project approved a few weeks ago; and made a motion to adopt the resolution, which motion was seconded by Acting President Castillo.

Barbara Hunt, 246 W. Byrd, spoke to the issue.

Councilmember Calhoun stated restructuring of the RDA was currently underway and would take at least a two more months; stated he felt this issue was premature and should be brought back at the same time any recommended changes come forward; and made a motion to table the matter 90 days.

On motion of Councilmember Calhoun, seconded by Chair Duncan, duly carried, **RESOLVED**, the above entitled Resolution reaffirming Redevelopment Agency contracting policies and procedures tabled 90 days, by the following vote:

Ayes : Boyajian, Calhoun, Quintero, Ronquillo, Duncan
Noes : Castillo, Perea
Absent : None

(“B”) JOINT RESOLUTION NO. 2002-358 / 1611 - APPROVING AMENDMENT NO. 2 TO THE OWNER PARTICIPATION AGREEMENT BETWEEN THE NATIONAL FARM WORKERS SERVICE CENTER, THE CITY OF FRESNO, AND THE REDEVELOPMENT AGENCY, DATED APRIL 25, 2001, TO PROVIDE A \$715,410 CITY CONSTRUCTION LOAN AND A \$184,000 GRANT FROM REDEVELOPMENT AGENCY FUNDS TO COMPLETE THE LAST NINE HOUSES IN PHASE III OF THE CASAS SAN MIGUEL PROJECT, AND AUTHORIZE EXECUTION OF DOCUMENTS

Housing Manager Elizondo gave a brief overview of the issue as contained in the staff report as submitted, and a motion and second was made to approve staff’s recommendation.

Barbara Hunt, 246 W. Byrd, spoke in opposition.

Ms. Elizondo responded briefly to questions of Councilmember Boyajian relative to the funding and how the City would be repaid.

On motion of Councilmember Ronquillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Joint Council/Agency Resolution No. 2002-358/1611 hereby adopted upon the terms and conditions in the Amendment and Resolution, and the City Manager and RDA Executive Director authorized to execute the Amendment and all necessary documents, instruments, declarations and security instruments, subject to such nonmaterial changes as may be approved the City Manager and Executive Director, and subject to prior approval as to form by the City Attorney’s Office, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes : None
Absent : None

Councilmember Ronquillo left at 6:09 p.m. and was absent for the remainder of the meeting.

(“C”) AWARD A CONTRACT FOR AN INDEPENDENT AUDIT AND RELATED STATE CONTROLLER’S REPORT PREPARATION SERVICES TO MACIAS, GINI & COMPANY, LLC, AND AUTHORIZE THE EXECUTIVE DIRECTOR OR REDEVELOPMENT ADMINISTRATOR TO NEGOTIATE AND EXECUTE THE CONTRACT FOR SERVICES (AGENCY ACTION)

Director Fitzpatrick reviewed the issue as contained in the staff report as submitted.

Barbara Hunt, 246 W. Byrd, spoke to the issue.

Vice Chair Calhoun spoke briefly to his involvement in the review of applications and to his support of the RFP process and the selection, and made a motion to approve staff’s recommendation.

On motion of Vice Chair Calhoun, seconded by Chair Duncan, duly carried, RESOLVED, a contract for an independent audit and related State Controllers report preparation services hereby award to Macias, Fini & Company LLP, at the fee of \$19,500; and the Executive Director or Redevelopment Administrator authorized to negotiate and execute the contract for services, by the following vote:

Ayes : Boyajian, Calhoun, Quintero, Duncan
Noes : Castillo, Perea
Absent : Ronquillo

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The joint bodies adjourned their meeting at 6:13 p.m.

UNSCHEDULED ORAL COMMUNICATIONS:

APPEARANCE BY SANDRA BROCK REGARDING DEFERRED COMPENSATION ISSUES

Ms. Brock requested Council request the Committee to keep minutes of meeting proceedings stating no record of proceedings was kept, and brief discussion ensued.

MAYOR’S RECOMMENDATION TO HIRE ADDITIONAL POLICE OFFICERS - COUNCILMEMBER CALHOUN

Councilmember Calhoun stated the issue was scheduled for November 19th and advised the Council Fiscal Forecasting Committee asked the Macias Group to report on their just completed audit on the Police department.

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CLOSED SESSION ANNOUNCEMENT:

City Attorney Montoy announced in the matter of Item “E-1”, San Jose Christian v. City of Morgan Hill, Council voted 7-0 to join in the amicus effort.

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 6:22 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

APPROVED on the 19th day of November, 2002.

Henry Perea, Council President

ATTEST: _____
Yolanda Salazar, Assistant City Clerk

